

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1047

Short Title: Information Technology Commission.

(Public)

---

Sponsors: Representatives Shubert, Reynolds (Cosponsors); Tolson and Wilkins.

---

Referred to: Rules, Calendar and Operations of the House.

---

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON  
INFORMATION TECHNOLOGY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 120 of the General Statutes is amended by adding a new  
Article to read:

"ARTICLE 25.

"The Legislative Study Commission on Information Technology.

**"§ 120-213. Creation and purpose of the Legislative Study Commission on  
Information Technology.**

The Legislative Study Commission on Information Technology is established. The  
commission shall review current information technology that impacts public policy,  
including electronic data processing and telecommunications, software technology, and  
information processing. The goals and objectives of the commission shall be to develop  
electronic commerce in the State and to coordinate the use of information technology by  
State agencies in a manner that assures that the citizens of the State receive quality  
services from all State agencies and that the needs of the citizens are met in an efficient  
and effective manner.

**"§ 120-214. Commission duties; reports.**

(a) The Legislative Study Commission on Information Technology may:

- 1           (1) Evaluate the current technological infrastructure of State government  
2 and information systems use and needs in State government and  
3 determine potential demands for additional information staff,  
4 equipment, software, data communications, and consulting services in  
5 State government during the next 10 years. The evaluation may include  
6 an assessment of ways technological infrastructure and information  
7 systems use may be leveraged to improve State efficiency and services  
8 to the citizens of the State, including an enterprise-wide infrastructure  
9 and data architecture.
- 10           (2) Evaluate information technology governance, policy and management  
11 practices, including policies and practices related to personnel and  
12 acquisition issues, on both a statewide and project level.
- 13           (3) Evaluate the feasibility and desirability of authorizing the use of digital  
14 signatures to facilitate the development of electronic commerce. The  
15 evaluation may include a review of digital legislation, policies, and  
16 procedures of other states. The commission may assist the General  
17 Assembly in determining whether or not it is in the public interest to:
- 18           a. Regulate the practices of certification authorities by requiring  
19 certification authorities licensed to do business in the State to be  
20 licensed, certified, or registered and by regulating their practices.
- 21           b. Regulate the use of digital signatures in the public and private  
22 sectors.
- 23           c. Prescribe the powers and duties of certain State and local  
24 agencies and officials.
- 25           d. Establish penalties, remedies, and presumptions to provide for  
26 collection on certain guarantees.
- 27           e. Provide reliance limits and liability.
- 28           f. Maintain a publicly accessible database containing a certification  
29 authority disclosure record for each licensed, certified, or  
30 registered certification authority.
- 31           (4) Study means to minimize the incidence of forged digital signatures and  
32 fraud in electronic commerce and the need for establishing strict  
33 sanctions and penalties regarding computer-related crimes.
- 34           (5) Conduct any other studies or evaluations the commission considers  
35 necessary to effectuate its purpose.
- 36           (b) The commission may consult with the Information Resource Management  
37 Commission on statewide technology strategies and initiatives and review all legislative  
38 proposals and other recommendations of the Information Resource Management  
39 Commission.
- 40           (c) The commission shall report by March 1 of each year to the Appropriations  
41 Committees of the Senate and the House of Representatives concerning the commission's  
42 activities and findings and any recommendations for statutory changes.

43 **"§ 120-215. Commission membership; terms; organization; vacancies.**

1       The commission shall consist of 20 members as follows:

- 2           (1)   Four members of the House of Representatives at the time of their  
3           appointment, appointed by the Speaker of the House of Representatives.  
4           (2)   Four members of the Senate at the time of their appointment, appointed  
5           by the President Pro Tempore of the Senate.  
6           (3)   Six members of the public, appointed by the Speaker of the House of  
7           Representatives.  
8           (4)   Six members of the public, appointed by the President Pro Tempore of  
9           the Senate.

10       The members appointed to the commission from the public shall be chosen from  
11       among individuals who have the ability and commitment to promote and fulfill the  
12       purposes of the commission, including individuals who have expertise in the field of  
13       computer technology or commercial transactions.

14       (b)   Members of the commission shall serve terms of two years beginning on  
15       January 15 of each odd-numbered year, with no prohibition against being reappointed,  
16       except initial appointments shall be for terms as follows:

- 17           (1)   The public members shall serve terms of three years.  
18           (2)   The members who are members of the General Assembly shall serve  
19           terms of two years.

20       Initial terms shall commence on July 1, 1997.

21       (c)   Members who are elected officials may complete a term of service on the  
22       commission even if they do not seek reelection or are not reelected, but resignation or  
23       removal from service constitutes resignation or removal from service on the commission.

24       (d)   The Speaker of the House of Representatives and the President Pro Tempore of  
25       the Senate shall each select a legislative member from their appointments to serve as  
26       cochair of the commission.

27       (e)   The commission shall meet at least once a quarter and may meet at other times  
28       upon the joint call of the cochairs. A majority of the members of the commission shall  
29       constitute a quorum for the transaction of business. The affirmative vote of a majority of  
30       the members present at meetings of the commission shall be necessary for action to be  
31       taken by the commission.

32       (f)   All members shall serve at the will of their appointing officer. A member  
33       continues to serve until the member's successor is appointed. A vacancy shall be filled  
34       within 30 days by the officer who made the original appointment.

35       **"§ 120-216. Assistance; per diem; subsistence; and travel allowances.**

36       (a)   The commission may contract for consulting services as provided by G.S. 120-  
37       32.02. Upon approval of the Legislative Services Commission, the Legislative Services  
38       Officer shall assign professional and clerical staff to assist in the work of the commission.  
39       The professional staff shall include the appropriate staff from the Fiscal Research,  
40       Research, Legislative Drafting, and Information Systems Divisions of the Legislative  
41       Services Office of the General Assembly. Clerical staff shall be furnished to the  
42       commission through the offices of the House of Representatives and Senate Supervisors  
43       of Clerks. The expenses of employment of the clerical staff shall be borne by the

1 commission. The commission may meet in the Legislative Building or the Legislative  
2 Office Building upon the approval of the Legislative Services Commission.

3 (b) Members of the commission shall receive per diem, subsistence, and travel  
4 allowances as follows:

5 (1) Commission members who are members of the General Assembly, at  
6 the rate established in G.S. 120-3.1.

7 (2) Commission members who are officials or employees of the State or of  
8 local government agencies, at the rate established in G.S. 138-6.

9 (3) All other commission members, at the rate established in G.S. 138-5.

10 **"§ 120-217. Commission authority.**

11 The commission may obtain information and data from all State officers, agents,  
12 agencies, and departments, while in discharge of its duties, under G.S. 120-19, as if it  
13 were a committee of the General Assembly. The provisions of G.S. 120-19.1 through  
14 G.S. 120-19.4 shall apply to the proceedings of the commission as if it were a joint  
15 committee of the General Assembly. Any cost of providing information to the  
16 commission not covered by G.S. 120-19.3 may be reimbursed by the commission from  
17 funds appropriated to it for its continuing study.

18 **"§ 120-218. Commission subcommittees; noncommission membership.**

19 The commission cochairs may establish subcommittees for the purpose of making  
20 special studies pursuant to its duties, and may appoint noncommission members to serve  
21 on each subcommittee as resource persons. Resource persons shall be voting members of  
22 the subcommittee and shall receive subsistence and travel expenses in accordance with  
23 G.S. 138-5 and G.S. 138-6."

24 Section 2. There is appropriated from the General Fund to the Legislative  
25 Services Commission of the General Assembly the sum of fifty thousand dollars  
26 (\$50,000) for the 1997-99 biennium to implement this act.

27 Section 3. This act becomes effective July 1, 1997.